

**Notice of Allowability**

Application No.

10/757,363

Applicant(s)

SENOO ET AL.

Examiner

Christina Russell

Art Unit

2837

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11/20/2005.
2. ☒ The allowed claim(s) is/are 1-48.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____  |

DAVID E. HILL  
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## **DETAILED ACTION**

### **Declaration**

The objection to the declaration has been withdrawn

### ***Allowable Subject Matter***

1. Claims 1-48 are allowed.
2. The following is an examiner's statement of reasons for allowance:
  1. The prior art relied upon in the first office action rejection by Takahashi (6,111,182), Hayakawa (5,326,930), Hoshiai et al. (US 2004/0144237) and the "Computer Software Sonic Foundry ACID Pro-4.0" no longer teach all the claimed elements of the independent claims 1, 5, 17, 27 and 37, and no other prior art references could be found that teach said claimed elements, therefore the independent claims and their dependent claims are considered allowable.
  3. In terms of claim 1, neither Takahashi, Hayakawa, Hoshiai et al. or the "Computer Software Sonic Foundry ACID Pro-4.0" teach of a time instance number, only of arbitrary time intervals with a start and end time, neither teach a tempo changing means, only a tempo setting means or designation, and neither teach the storage of musical tones based on tempo.

4. In terms of claim 5, neither Takahashi, Hayakawa, Hoshiai et al. or the "Computer Software Sonic Foundry ACID Pro-4.0" teach again a tempo changing means, only a tempo setting means or designation, or the storage of musical tones and their locations or addresses being based upon the tempo, but being based upon only the start and end times of an arbitrary interval.

5. In terms of claim 17, Takahashi teaches the storing of time information based upon an arbitrary starting and ending time location, but neither Takahashi, Hayakawa, Hoshiai et al. or the "Computer Software Sonic Foundry ACID Pro-4.0" teach a specified duration of bars or beats that comprises a time instance number to time musical note data that occur after the starting time, also being stored.

6. In terms of claim 27, neither Takahashi, Hayakawa, Hoshiai et al. or the "Computer Software Sonic Foundry ACID Pro-4.0" teach the selecting and recording of a selectable tempo of successive time instances for a sequence of stored tones. Hayakawa teaches the recording of a tempo but none of the above mentioned references teach all the claimed elements. The relationship between time instances, or bars and beats, and the sequence of stored musical data occurring after a starting time is absent along with the processing of said sequence in relation to the time instances.

7. In terms of claim 37, neither Takahashi, Hayakawa, Hoshiai et al. or the "Computer Software Sonic Foundry ACID Pro-4.0" teach, once again, a selectable tempo, only the setting of a designated tempo, and the relationship between storage and time instances, and processing and time instances.

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8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."